

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

NOEL A. SALDANA AND JESSICA
SALDANA, husband and wife and their
marital community,

Plaintiffs,

v.

CITY OF LAKEWOOD, a municipal
corporation, and JAMES SYLER, in his
official capacity and individual capacity and
JANE DOE SYLER, and their marital
community,

Defendants.

No.

NOTICE OF REMOVAL

(CLERK'S ACTION REQUIRED)

TO: CLERK OF THE COURT, UNITED STATES DISTRICT COURT, Western
District of Washington at Tacoma;

AND TO: NOEL SALDANA AND JESSICA SALDANA, Plaintiffs;

AND TO: ERIK L. BAUER, Attorney for Plaintiffs

COME NOW Defendants City of Lakewood, James Syler and Jane Doe Syler, by
and through their attorneys of record, Stewart A. Estes and Keating, Bucklin &
McCormack, Inc., P.S., and hereby remove to the United States District Court, Western
District of Washington at Tacoma, the stated court action described below. This notice of
removal is pursuant to 28 U.S.C. § 1441, § 1443, and § 1446.

1. The above-entitled action was filed in the Superior Court of the State of
Washington for Pierce County, Cause Number 11-2-15723-2.

NOTICE OF REMOVAL - 1

Cause No.

K:\SAE\Lakewood adv. Saldana WCIA 11179\Pleadings\Removal\p-
122811-Notice of Removal.doc

KEATING, BUCKLIN & MCCORMACK, INC., P.S.

ATTORNEYS AT LAW
800 FIFTH AVENUE, SUITE 4141
SEATTLE, WASHINGTON 98104-3175
PHONE: (206) 623-8861
FAX: (206) 223-9423

2. Jurisdiction of this Court is based on 28 U.S.C. §1331, 28 U.S.C. §1343, 28 U.S.C. §1367, 28 U.S.C. §1441, and/or 28 U.S.C. §1443, and Plaintiff's claims for alleged violations of rights as secured under the Constitution and laws of the United States.

3. Paragraphs 4.4 and 4.5 of *Plaintiff's Complaint for Damages* allege:

In this manner, the force used by defendant to subdue and seize Mr. Saldana was excessive under the facts and circumstances as they were known to the officer. The conduct of defendant Syler was unreasonable and violated Mr. Saldana's rights under the Fourth Amendment to the United States Constitution and under 42.U.S.C. § 1983.

As a result of the acts of the Defendant, Plaintiffs have suffered, and continue to suffer, injury to body and mind, pain, emotional distress, disfigurement, disability, and are entitled to relief under 42.U.S.C. §1983.

4. All Defendants join in this Notice.

5. With the filing of this Notice of Removal with the U.S. District Court, the Defendants will pay the federal court filing and removal fee.

6. Pursuant to 28 U.S.C. § 1446(a), true and correct copies of all pleadings previously filed and served on or by these Defendants are attached hereto as follows:

- A. Summons to Defendants;
- B. Complaint for Damages;
- C. Case Information Cover Sheet and Area Designation;
- D. Order Setting Civil Case Schedule;
- E. Declaration of Service of Summons and Complaint for Damages, Order Setting Case Schedule, Case Cover Sheet/Civil Cases on James Syler;
- F. Declaration of Service of Summons and Complaint for Damages, Order Setting Case Schedule, Case Cover Sheet/Civil Cases on City of Lakewood, A Municipal Corporation;

NOTICE OF REMOVAL - 2

Cause No.

K:\SAE\Lakewood adv. Saldana WCIA 11179\Pleadings\Removal\p-122811-Notice of Removal.doc

KEATING, BUCKLIN & MCCORMACK, INC., P.S.

ATTORNEYS AT LAW
800 FIFTH AVENUE, SUITE 4141
SEATTLE, WASHINGTON 98104-3175
PHONE: (206) 623-8861
FAX: (206) 223-9423

1 G. Case Reassignment letter; and

2 H. Defendants' Notice of Appearance.

3 Defendants respectfully reserve any and all affirmative defenses.

4 RESPECTFULLY SUBMITTED this 28th day of December, 2011.

5
6 KEATING, BUCKLIN & McCORMACK, INC., P.S.

7
8 s/ Stewart A. Estes

9 Stewart A. Estes, WSBA #15535

10 Keating, Bucklin & McCormack, Inc., P.S.

11 800 Fifth Avenue, Ste. 4141

12 Seattle, WA 98104

13 206-623-8861

14 206-223-9423 Fax

15 sestes@kbmlawyers.com

16 Attorney for Defendants City of Lakewood,

17 James Syler and Jane Doe Syler

18
19
20
21
22
23
24 NOTICE OF REMOVAL - 3

Cause No.

K:\SAE\Lakewood adv. Saldana WCIA 11179\Pleadings\Removal\p-
122811-Notice of Removal.doc

KEATING, BUCKLIN & McCORMACK, INC., P.S.

ATTORNEYS AT LAW
800 FIFTH AVENUE, SUITE 4141
SEATTLE, WASHINGTON 98104-3175
PHONE: (206) 623-8861
FAX: (206) 223-9423